

Congress of the United States
Washington, DC 20515

July 11, 2018

The Honorable Richard Spencer
Secretary of the Navy
Office of the Secretary of the Navy
1000 Navy Pentagon, Room 4D652
Washington, DC 20350

Dear Secretary Spencer,

We write in reference to Airman Colton Whitmire's request for emergency leave to attend the funeral of his de facto step-father, Captain Juston Doherty. CPT Doherty was a decorated Army Captain who was found dead on July 6, 2018, while on Army National Guard orders in Phoenix, Arizona. It has come to our attention that, because CPT Doherty was not listed on Airman Whitmire's next-of-kin form, his request for emergency leave for the death of an immediate family member was not granted. However, according to information given to our offices, CPT Doherty acted *in loco parentis* or, in the place of a parent, for Airman Whitmire for most of his life, and therefore, should be considered an immediate family member for the purposes of this request.

According to MILPERSMAN 1050-130 subparagraph 1, "[e]mergency leave should be granted whenever the circumstances warrant, based on the judgment of the commanding officer and the desire of the member." Paragraph 6, subparagraph b, indicates that the circumstances necessary for granting emergency leave include the death of a member of the servicemember's immediate family. Further, subparagraphs (a)(1)-(2) state that the definition of "immediate family" includes "a person standing *in loco parentis*," which is "defined by DoD Directive 1327.5 as a person who stood in the place of a parent to the servicemember 24 hours a day for a period of at least 5 years before the servicemember became 21 years old or entered military service."

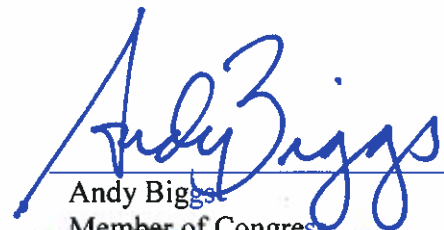
Since Airman Whitmire lived in a home with his mother and CPT Doherty from the time he was age two until he joined the Navy, CPT Doherty falls within the designation of *in loco parentis* for Airman Whitmire and should be considered a member of Airman Whitmire's immediate family despite the fact that he was not listed as next-of-kin.

We sincerely respect the commanding officer's discretion in this matter and understand you must consider not only Airman Whitmire's personal desires, but also what is best for, the fleet and the mission at hand. However, CPT Doherty's death presents a special circumstance. As such, if the mission would not suffer, we respectfully request that you reconsider Airman Whitmire's request for emergency leave so that he may attend CPT Doherty's funeral.

Respectfully,


Martha McSally
Member of Congress

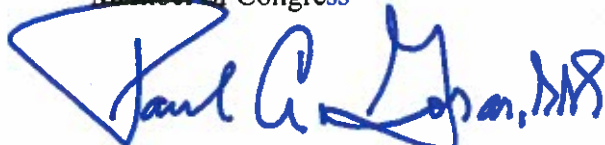

Debbie Lesko
Member of Congress



Andy Biggs
Member of Congress



David Schweikert
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress

Cc: Admiral John Richardson
Chief of Naval Operations